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Department of Energy
Oakland Operations Office
Office of Chief Counsel
Intellectual Property Law Division

Janet G. Tulk, Laboratory Counsel, L-703



Subject: DOE Patent Docket No.: S-93,080
LLNL Docket No.: IL-10560
Title: Building, Airspace Protection System
Inventor(s): Raymond P. Mariella, Jr.
Under DOE Contract No.: W-7405-ENG-48

ATTACHMENT F

Livermore Office
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LLNL - I. P. L. G.

TC 1700

The Laboratory's transmittal to this office on [REDACTED] of the above-identified invention disclosure is acknowledged with appreciation. The invention disclosure has been assigned the above-indicated DOE Patent Docket (S) number. Your reference to this number in future communications with this office will be helpful.

Based on the information provided to DOE in the invention disclosure, the commercial rights to this invention are readily obtainable by the Laboratory during the first two years following disclosure of the invention to DOE under the provisions of the above contract. As set forth in Article XII, Cl.1, paragraph (c)(3) of the contract, if the Laboratory wants the commercial rights to the invention, the Laboratory must elect to retain title within the two-year period. However, if public disclosure, use or sale of the invention has initiated the one year statutory period to apply for U.S. patent protection, the period for election of title is shortened by DOE to end 60 days before the end of the U.S. statutory period. Therefore, it is important for this office to be notified immediately about any public disclosure, use or sale.

In an effort to give the Laboratory as much latitude as possible to decide on commercialization of the invention, this office of DOE will hold the invention in abeyant status for a period of two years from the above date of invention disclosure. Generally during this abeyant status period, DOE takes no action on protecting the invention by the filing of a U.S. patent application. Instead DOE relies on the Laboratory to carefully evaluate the invention's potential and decide whether or not to obtain the commercial rights in the invention. If the Laboratory elects to retain title to the invention, the Laboratory must file a patent application within one year of the date of election plus any extensions granted by DOE but, in any event, before the expiration of any statutory bar period. However, during the two-year period for election, should the Laboratory decide not to retain title and inform DOE in writing, DOE will at that time evaluate whether the filing of a U.S. patent application is warranted to meet the Government's needs. If the Laboratory decides not to retain title to the invention, you are encouraged to notify DOE at your earliest convenience.

If there are any questions concerning this letter or DOE actions, please feel free to contact this office.

Randall W.C. Chang
Randall W. C. Chang
Patent Agent

cc: Karena McKinley, LLNL, L-795

Raymond P. Mariella, Jr., LLNL, L-222

RWCC:JLR:wkc

Statutory Bar: It appears from the Invention Report that there was a public disclosure of the invention, at a conference [REDACTED]. Therefore, DOE should be informed of the University's decision on whether to elect title by [REDACTED] in order to allow DOE the opportunity to file a patent application on behalf of the Government.